EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.:2005-0889-PST-E **TCEQ ID**: RN101192136 **CASE NO.**: 25403

RESPONDENT NAME: Imran Charolia

ORDER TYPE:		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	X PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
TYPE OF OPERATION: Convenience sto SMALL BUSINESS:X_Yes OTHER SIGNIFICANT MATTERS: A codetection, no Stage II Vapor Recovery inspectenforcement actions regarding this facility lo INTERESTED PARTIES: A complaint wa Agenda. COMMENTS RECEIVED: The Texas Reg CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinate	_No omplaint was received on January 14, 2005 alleging ctions or tests and no line or line leak detector tests. cation. s received, but the complainant has not expressed a chister comment period expired on July 16, 2007. No	no corrosion protection, no swivels, no release There is no record of additional pending desire to protest this action or speak at comments were received.
Steven Lopez, Enforcement Division Respondent: Mr. Imran Charolia, Respondent's Attorney: Not represent the control of the con	on, MC 219, (512) 239-1896 17835 Farm-to-Market Road 2920, Tomball, Texas esented by counsel on this enforcement matter	77377-5824

RESPONDENT NAME: Imran Charolia DOCKET NO.: 2005-0889-PST-E

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation:	Total Assessed: \$7,875	Corrective Actions Taken:
X Complaint Routine Enforcement Follow-up Records Review Date(s) of Complaints Relating to this Case:	Total Deferred: \$1,575 X Expedited Settlement Financial Inability to Pay	1) The Executive Director recognizes that Mr. Charolia has implemented the following corrective measures at the Station:
January 14, 2005	SEP Conditional Offset: \$0	a. Successfully passed line and line leak detector tests on February 15, 2005;
Dates of Investigations Relating to this Case: February 11, and May 3, 2005 Date of NOE Relating to this Case: April 15, 2005 (NOE) Background Facts: This was a complaint investigation. Eleven violations were	Total Paid (Due) to General Revenue: \$175 (remaining \$6,125 to be paid in 35 monthly payments of \$175 each) Site Compliance History ClassificationHigh _X_AveragePoor Person Compliance History Classification	b. Submitted Stage II Vapor Recovery (SII) System records, including a daily inspection log and proof of SII training for the Facility Representative and each employee on February 21, 2005; and c. Successfully passed SII System testing
documented.	High X Average Poor	on February 15, 2005.
WASTE	Major Source: Yes X No	Ordering Provisions:
1) Failed to monitor underground storage tanks ("USTs") for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring) [30 Tex. ADMIN. CODE § 334.50(b)(1)(A) and Tex. WATER CODE § 26.3475(c)(1)].	Applicable Penalty Policy: September 2002	2) The Order will require the Respondent to: a. Within 30 days after the effective date of this Agreed Order:
2) Failed to provide proper release detection for the piping associated with UST system [30 Tex. Admin. Code § 334.50(b)(2) and Tex. Water Code § 26.3475(a)].		i. Begin monitoring the UST system for releases; ii. Ensure that the cathodic protection system is tested by a qualified corrosion specialist or corrosion technician and
3) Failed to test a line leak detector at least once per year for performance and operational reliability [30 Tex. Admin. Code § 334.50(b)(2)(A)(i)(III) and Tex. WATER CODE § 26.3475(a)].		that the rectifier and other system components are inspected for proper operation; iii. Install swivel adaptors on the USTs; and
4) Failed to have the impressed current cathodic protection system regularly inspected at least once every 60 days by the owner or operator to ensure that the rectifier and other system components are operating properly [30 Tex. Admin. Code § 334.49(c)(2)(C) and Tex. Water Code § 26.3475(d)].		iv. Submit payment for all outstanding fees, including any associated penalties and interest.b. Within 45 days after the effective date of this Agreed Order, submit written
5) Failed to have the cathodic protection system tested by a qualified corrosion specialist or corrosion technician within three to six months after installation and at a subsequent frequency of at least once every three years [30 Tex. ADMIN. CODE § 334.49(c)(4) and Tex. WATER CODE § 26.3475(d)].		certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.i through 2.a.iv.

- 6) Failed to maintain records on-site at facilities ordinarily manned during business hours, and make immediately available for review upon request by authorized representatives of the TCEQ [30 Tex. ADMIN. CODE § 115.246(7)(A) and Tex. Health & Safety Code § 382.085(b)].
- 7) Failed to maintain proof of attendance and completion of training and documentation of all SII training for each employee [30 Tex. Admin. Code § 115.246(4) and Tex. Health & Safety Code § 382.085(b)].
- 8) Failed to maintain a daily inspection log [30 Tex. Admin. Code § 115.246(6) and Tex. Health & Safety Code § 382.085(b)].
- 9) Failed to verify proper operation of the SII equipment at least once every twelve months or upon major system replacement or modification [30 Tex. ADMIN. CODE § 115.245(2) and Tex. Health & Safety Code § 382.085(b)].
- 10) Failed to maintain all components of the SII System in proper operating condition, as specified by the manufacturer and/or any applicable California Air Resources Board Executive Order(s), and free of defects that would impair the effectiveness of the system. This requirement includes the absence or disconnection of any component that is a part of the approved system. Specifically, there were no swivel adaptors installed on the USTs [30 Tex. Admin. Code § 115.242(3)(A) and Tex. Health & Safety Code § 382.085(b)].
- 11) Failed to pay UST Registration fees for Petroleum Storage Tank Facility ID No. 41224, TCEQ Financial Administration Account No. 0052297U, for fiscal year 2005 [30 Tex. ADMIN. CODE § 334.22(a) and Tex. WATER CODE § 5.702].

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	Penalty Calculation Worksheet (PCW)		
Policy Revision 2	September 2002)	PCW Revision May	10, 2005
ICEQ DATES Assigned	18-Apr-2005		
	23-May-2007 Screening 04-May-2005 EPA Due		
RESPONDENT/FACIL	ITY INFORMATION		
	Imran Charolia		
Reg. Ent. Ref. No.	RN101192136		
Facility/Site Region	12-Houston Major/Minor Source	Minor Source	<
CASE INFORMATION			
Enf./Case ID No.			
	2005-0889-PST-E Order Type		<
	Petroleum Storage Tank Enf. Coordinator	Enforcement Team 4	
Multi-Media Admin. Penalty \$ L		Emorcement ream 4	
			4-1-A-1-A-1-A-1-A-1-A-1-A-1-A-1-A-1-A-1-
	Penalty Calculation Section		
TOTAL BASE PE	NALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
	William of the manner permanent,		
ADJUSTMENTS (+/-) TO SUBTOTAL 1		
	obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance I		totals 2, 3, & 7	\$375
Notes	Penalty enhancement for one previous NOV issued for the same/similar		
	violation as one in this case.]	
Culpability	No Shancement	Subtotal 4	\$0
· · · · · ·	The Decreedant does not most sulpobility criteria		
Notes	The Respondent does not meet culpability criteria.	·	
Good Faith F	Effort to Comply 0% Reduction	Subtotal 5	\$0
Oood I ditii L	Before NOV NOV to EDPRP/Settlement Offer		
Extraordinary			
Ordinary			
N/A	X (mark with a small x)	7	
Notes	The Respondent is not yet in compliance.		
	4		
Economic B	enefit 0% Enhancement*	Subtotal 6	\$0
	Total EB Amounts \$184 *Capped at the Total EB \$ Amount		
Approx.	Cost of Compliance \$2,595		
SUM OF SUBTO	ΓALS 1-7	Final Subtotal	\$7,875
	S AS JUSTICE MAY REQUIRE	Adjustment	\$(
Reduces or enhances the F	inal Subtotal by the indicated percentage. (Enter number only; e.g30 for -30%.)	7	
Notes	;		
	Final Po	enalty Amount	\$7,87
			A= a
STATUTORY LIN	IIT ADJUSTMENT Final Ass	essed Penalty	\$7,87
DEFERRAL	20% Reduction	Adjustment	-\$1,57
1	ed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)		

Deferral offered for expedited settlement.

\$6,300

Notes

PAYABLE PENALTY

Screening Date 04-May-2005

Docket No. 2005-0889-PST-E

PCW

Respondent Imran Charolia

Case ID No. 25403

Policy Revision 2 (September 2002) PCW Revision May 10, 2005

Reg. Ent. Reference No. RN101192136

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Trina Grieco

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component		Enter i	Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)		1	5%
1 1 1 1	Other written NOVs	**********	0	0%
,	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	***************************************	* 10	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement or without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	ders	0	0%
Judgments and	Any non-adjudicated final court judgments or consent decrees containi a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	ng	0	, 0%
Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a de of liability, of this state or the federal government	nial	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	er	0	0%
Emissions	Chronic excessive emissions events (number of events)	***************************************	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act 74th Legislature, 1995 (number of audits for which notices were	•	0	0%
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	•	0	0%
		se En	ter Yes or No	,
	Environmental management systems in place for one year or more		No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program)	No	0%
Outer	Participation in a voluntary pollution reduction program		No ,	0%

	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Olliei	Participation in a voluntary pollution reduction program	No ,	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2)

5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3)

0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7)

0%

>> Compliance History Summary

History Notes

Compliance Penalty enhancement for one previous NOV issued for the same/similar violation as one in this

Total Adjustment Percentage (Subtotals 2, 3, & 7)

5%

Page 3 of 14 07/27/07 H:\Agreed Orders\ImranCharolia\Imran Charolia Revised PCW.wb3 **PCW** Docket No. 2005-0889-PST-E Screening Date 04-May-2005 Respondent Imran Charolia Policy Revision 2 (September 2002) Case ID No. 25403 PCW Revision May 10, 2005 Reg. Ent. Reference No. RN101192136 Media [Statute] Petroleum Storage Tank Enf. Coordinator Trina Grieco **Violation Number** 30 Tex. Admin. Code § 334.50(b)(1)(A), (b)(2), and (b)(2)(A)(i)(III) Primary Rule Cite(s) Tex. Water Code § 26.3475(a) and (c)(1) Secondary Rule Cite(s) Failed to monitor underground storage tanks (USTs) for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring), failed to provide proper release detection for the piping Violation Description associated with UST system, and failed to test a line leak detector at least once per year for performance and operational reliability. **Base Penalty** \$10,000 **Environmental, Property and Human Health Matrix** >> Harm Release OR Actual 25% Percent Potential **Programmatic Matrix** >> Falsification Percent Failure to monitor the UST system, including piping, can result in the exposure of a significant amount of contaminants which would exceed Matrix Notes levels that are protective to human health and the environment. Adjustment -\$7,500 \$2,500 Base Penalty Subtotal **Violation Events** Number of Violation Events daily monthly \$2,500 Violation Base Penalty mark only one quarterly use a small x semiannual annual sinale event One quarterly event is recommended from the investigation date of February 11, 2005 to the screening date of May 4, 2005. **Statutory Limit Test Economic Benefit (EB) for this violation** \$2,625 Estimated EB Amount Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

\$2,625

A	Ec	onomic B	enefit Wo	rkshe	et	***************************************	
Respondent	Imran Charolla						
Case ID No.	25403			'			
Reg. Ent. Reference No.							
Media [Statute]	Petroleum Sto	rage Tank		•		Percent	Years of
Violation No.	1		5	1000	14 1 40 1	Interest	Depreciation
					an en l	5.0	15
	Item	Date	Final	Yrs	Interest	Onetime	EB
Item.	Cost	Required	Date	100	Saved	Costs	Amount
Description	No commas or \$			4.5			are entire to the second
Delayed Costs	galatantennaturahantahantahantahal	panamen kaman miland		Legonomorphia			
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	<u>\$0</u>	<u> </u>
Other (as needed)		11-Feb-2005	01-Jan-2006	med francounterins and grown	<u> </u>	\$7	\$7
Engineering/construction	parameter in the parame			0.0	\$0	<u>\$0</u>	\$0
Land	it			0.0	\$0	n/a	\$0
Record Keeping System	15			0.0	\$0	n/a	\$(
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	- Annual Control of the Control of t			0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$C
Other (as needed)		11-Feb-2005			\$0	n/a	\$0
		pense for line					
Notes for DELAYED costs	11	to test mode.					al date based
		911 - 1	on the expec	tea comp	oliance date.	iniji wa	
Avoided Costs	ANN	UALIZE [1] avoide	nd casts hafara a	ntoring ito	m loveant for an		MARCON CONTRACTOR
Disposal	\$\$####################################	CALIZE [1] avoide	homenmonique paracione	0.0	in (except for on	so	\$0
Personnel	\$			0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	Bearing and the second			0.0	\$01	\$0 \$0	\$C
Supplies/equipment	farmamackateletemetraniquementing		ayaanaanadamadamaayada	0.0	\$0	\$0	\$0
Financial Assurance [2]	Annualtural			0.0	\$0	\$ 0	\$0
ONE-TIME avoided costs [3]	I harrows a superior continue to the continue			0.0	\$0	\$0	\$C
Other (as needed)	President and distribution of the control of the co			0.0	\$0	\$0	\$(
other (as include)		L	I			ΨΟ	······································
Notes for AVOIDED costs	Try verse of the						
	if'						
•							
	\$245						-11-2

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	Screening Date	04-May-2005	Docket No. 2005-0889-PST-E	PCW
		Imran Charolia		Policy Revision 2 (September 2002)
	Case ID No.			PCW Revision May 10, 2005
Reg.	Ent. Reference No.	RN101192136		
_		Petroleum Storage Tank		
	Enf. Coordinator			**************************************
	Violation Number	7		
	Primary Rule Cite(s)		n. Code § 334.49(c)(2)(C) and (c)(4)	
	Secondary Rule Cite(s)	Tex.	Water Code § 26.3475(d)	
	Violation Description	inspected at least once eventhat the rectifier and other failed to have cathodic prospecialist or corrosion	sed current cathodic protection system very 60 days by the owner or operator to system components are operating proportection system tested by a qualified contection within three to six months assequent frequency of at least once every years.	o ensure
			Base	e Penalty \$10,000
>> OR	Environmental, Pr Release		alth Matrix	
	Potentia		Percent 25%	
>>	Programmatic Mar	rix		·
	Falsification	Major Moderate Mi	nor	unaccoone
			Percent	·
	Matrix Notes re	gularly can result in the expo minants which may exceed	ction system inspection and tested osure of a significant amount of levels that are protective to human e environment.	
			Adjustment [-\$7,500
			Base Penalty	Subtotal \$2,500
	Violation Events	tion Events	• •	
	Number of Viola	daily	Violation Bas	e Penalty \$2,500
	use a small	x semiannual annual single event X		1
	One s		I for the 3 year period preceding the tigation.	
	Economic Benefit	(EB) for this violation	Statutory Limit T	est
	Estimated	EB Amount \$133	Violation Final Per	
		This violation	on Final Assessed Penalty (adjusted	for limits) \$2,625

	Ec	onomic B	enefit Wor	kshe	eet	angs in the	· · · . \$
	Imran Charolia						
Case ID No.						en de la companya de	
Reg. Ent. Reference No.						***************************************	***************************************
Media [Statute]		age Tank				Percent	Years of
Violation No.	2				1.425	Interest	Depreciation
						5.0	15
	Item	Date	Final	Yrs	Interest	Onetime	EB
Item	Cost	Required	Date	. : "	Saved	Costs	Amount
Description	No commas or \$					the stage of	
Delayed Costs	t Profesional	del Constitue (Co	er tronge alle e	i			
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$300	11-Feb-2005	26-Jan-2006	1.0	\$1	\$19	\$20
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$(
Record Keeping System				0.0	\$0	n/a	\$(
Training/Sampling				0.0	\$0	n/a	\$(
Remediation/Disposal	a ¹ :			0.0	\$0	n/a	\$(
Permit Costs				0.0	\$0	n/a	\$(
Other (as needed)	\$750	11-Feb-2002	11-Feb-2005	3.0	\$113	n/a	\$113
Notes for DELAYED costs	once every 60	days (\$50 eve ection system t	r an employee ry other month ested. Dates r al date is the d	for one equired	e year). Estim d is 3 years pri	ated expense (or to the invest	\$750) to have
Avoided Costs	ANNI	IAI IZF [1] avoide	-1 4 - L - 5 - m		3		1.2.40
Avoided Costs			a costs perore en	tering it	em (except for or	e-time avoided c	osts)
Avoided Costs Disposal		and the second s	a costs before en	0.0	\$0	\$0	\$(
			d dosts perore en	ş		***************************************	\$(
Disposal				0.0	\$0	\$0	\$(\$(\$(
Disposal Personnel			C COSTS DETOTE ET	0.0	\$0 \$0 \$0 \$0	\$0 \$0	\$(\$(\$(
Disposal Personnel Inspection/Reporting/Sampling			C COSTS DETOTE ET	0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$(\$(\$) \$(\$)
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment			a costs perore en	0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			a costs perore en	0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$(\$(\$(\$) \$(\$)
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			a costs perore en	0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$6 \$6 \$6 \$7 \$6 \$6

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	Screening Date	04-May-2005	Docket No. 2005	5-0889-PST - E		PCW
	Respondent	Imran Charolia			Policy Revis	sion 2 (September 2002)
	Case ID No.	25403			PCV	V Revision May 10, 2005
Reg	. Ent. Reference No.		•			***************************************
	Media [Statute]	Petroleum Storage Tank				
	Enf. Coordinator	processor and the second secon				
	Violation Number		Ad-1- O-d- 0445 0	46(7)(4)	· 1	
	Primary Rule Cite(s)	}	Admin. Code § 115.2			
	Secondary Rule Cite(s)	30 Tex. Admin. Code § 11	§ 382.085(b)	rex. Health & Sa	Tety Code	
	Violation Description	Failure to maintain recor business hours, and mak by authorized representati Quality (TCEQ), includi Vapor Recovery (SII) tra	e immediately availab ves of the Texas Com ng a daily inspection l	le for review upor nmission on Envir log and proof of S	n request ronmental Stage II	And the second s
				Bas	e Penalty	\$10,000
>>	Environmental, Pro	operty and Human He	alth Matrix	•	-	antitutanaman
		Harm				***************************************
OD:	Release		nor		,	
OR	Actual Potential		Pe	rcent		-
	rotorida	<u> </u>		Landanianianianianianianianianianianianiania		0.000
>>	Programmatic Mat	rix				***************************************
	Falsification		nor		l	
		x	Pe	rcent 10%		
•	Matrix Notes Failure to	o maintain SII records mear were r	ns that 100% of the ru not met.	le requirements		
	C			Adjustment	-\$9,000	
	•			Base Penalty	v Subtotal	\$1,000
	Violation Events					
	Number of Viola	tion Events 1				
	mark only one use a small :	· · · · · · · · · · · · · · · · · · ·		Violation Bas	se Penalty[\$1,000
		One single even	t is recommended.			
***************************************	Economic Benefit	(EB) for this violation	n Sta	atutory Limit	Γest	
	Estimated I	EB Amount \$0	Vio	olation Final Pe	nalty Total	\$1,050
		This violation	on Final Assessed Po	enalty (adiusted	for limits)	\$1,050

	Ec	onomic B	enefit Wo	rkshe	et	er la pui	P. St.
	Imran Charolia	1					Y.
Case ID No.							
Reg. Ent. Reference No.			•				
Media [Statute]		rage Tank				Percent	Years of
Violation No.	3						Depreciation
						5.0	
Managi	ltem	Date	Final	Yrs	Interest	Onetime	EB
Item	Cost	Required	Date		Saved	Costs	Amount
Description	No commas or \$						
Delayed Costs							
Delayed Costs Equipment	1			0.0	\$0	\$0	¢0
Equipment Buildings				0.0	\$0 \$0	ან \$0	\$0 \$0
				0.0	\$0 \$0	\$0 \$0	φυ \$0
Other (as needed) Engineering/construction				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/construction Land				0.0	\$0 \$0	ო/a	φυ \$0
Record Keeping System	<u> </u>	11-Feb-2005	21-Feb-2005	0.0	\$0 \$0	n/a	\$0 \$0
Training/Sampling	Linearen en e	11-1-60-2000	2.1-1 CD-2003	0.0	\$0 \$0	n/a	\$0 \$0
Remediation/Disposal				0.0	\$0	n/a	\$0 \$0
Permit Costs				0.0	\$0	n/a	\$0 \$0
Other (as needed)				0.0	\$0	n/a	\$0 \$0
other (as necees)		L		Bayana ya bayan			
Notes for DELAYED costs	Estimated documents	d expense to de s. Date require	evelop and ma d based on the	investiç	gation date. F	g system for red Final date is ba	quired SII sed on the
			comp	liance d	ate.		٠,
	ik			*************		. 7-1	·
Avoided Costs	ANN	UALIZE [1] avoide	d costs before er	tering ite	m (except for or	e-time avoided c	osts)
Disposal				0.0	\$0	. \$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling			,	0.0	\$0	\$0	\$0
Supplies/equipment				0,0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED							•
Notes for AVOIDED costs							
	Umananan mananan manan		***************************************	***************************************			***************************************

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Page 9 of 14 07/27/07 H:\Agreed Orders\ImranCharolia\Imran Charolia Revised PCW.wb3 **PCW** Screening Date 04-May-2005 Docket No. 2005-0889-PST-E Respondent Imran Charolia Policy Revision 2 (September 2002) Case ID No. 25403 PCW Revision May 10, 2005 Reg. Ent. Reference No. RN101192136 Media [Statute] Petroleum Storage Tank Enf. Coordinator Trina Grieco **Violation Number** 30 Tex. Admin. Code § 115.245(2) Primary Rule Cite(s) Tex. Health & Safety Code § 382.085(b) Secondary Rule Cite(s) Failed to verify proper operation of the SII equipment at least once every **Violation Description** twelve months or upon major system replacement or modification. Base Penalty \$10,000 **Environmental, Property and Human Health Matrix** >> Release Moderate OR Actual 10% Percent Potential **Programmatic Matrix** >> Falsification Moderate Percent Failure to verify proper operation of the SII equipment can result in the Matrix Notes exposure of a significant amount of contaminants which may not exceed levels that are protective to human health and the environment. Adjustment -\$9,000 \$1,000 Base Penalty Subtotal **Violation Events** Number of Violation Events daily monthly Violation Base Penalty \$1,000 mark only one quarterly use a small) semiannual annual One annual event is recommended. Economic Benefit (EB) for this violation **Statutory Limit Test** Violation Final Penalty Total

Estimated EB Amount

\$0

This violation Final Assessed Penalty (adjusted for limits)

\$1,050 \$1,050

	Ec	onomic B	enefit Wor	ksh	eet		
Respondent	Imran Charolia				Other and the second	· · · · · · · · · · · · · · · · · · ·	
Case ID No.	25403				COSTA NO MARIO	The second secon	
Reg. Ent. Reference No.	RN101192136	1			(A)	yrashirin i s	
Media [Statute]	Petroleum Sto	rage Tank				Percent	Years of
Violation No.	4			100	nd a challed	Interest	Depreciation
					ata tagaan	5.0	15
·	ltem	Date	Final	Yrs	Interest	Onetime	EB
Item	Cost 🔩 🚎	Required	Date		Saved	Costs	Amount
Description	No commas or \$					A CONTRACTOR OF A CONTRACTOR O	
			i daya da ili		garan dan salah salah		
Delayed Costs			t stoffwerend et		ngy or ne in g	ski skijita — nigi	j * 4
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	. \$0	. \$0
Engineering/construction				0.0	\$0	\$0	\$0
Land		50741	Wi samular fe	0.0	\$0	n/a	\$C
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	Approximation of the second of			0,0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	***************************************	: 13 ⁴		0.0	\$0	n/a	\$0
Other (as needed)	\$500	11-Feb-2005	15-Feb-2005	0.0	\$0	n/a	\$0
Notes for DELAYED costs	Estimate		onduct required date. Final da				ed on the
Avoided Costs	(processing and a state of the	UALIZE [1] avoide	ed costs before en	eineminterlinding	planetskaj arrivario gravija arrivario arrivario arrivario principalis (
Disposal				0.0	\$0	\$0	\$0
Personnel	Barrerramenterramenterramenter			0.0	\$0	\$0	\$C

Inspection/Reporting/Sampling	garand manner manner manner			0.0	\$0	\$0	<u>\$0</u>
Inspection/Reporting/Sampling Supplies/equipment				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	***************************************			0.0	\$0 \$0	\$0 \$0	\$(\$(
Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.0 0.0 0.0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.0	\$0 \$0	\$0 \$0	\$0 \$0 \$0
Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.0 0.0 0.0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0

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	Screening Date	04-May-2005 Docket No. 2005-0889-PST-E	PCW
			vision 2 (September 2002)
	Case ID No	. 25403	CW Revision May 10, 2005
Reg.	Ent. Reference No	RN101192136	
	Media [Statute	Petroleum Storage Tank	
	Enf. Coordinato	r Trina Grieco	
	Violation Numbe		
	Primary Rule Cite(s		
	Secondary Rule Cite(s		
	Violation Description	Failed to maintain all components of the SII system in proper operating condition, as specified by the manufacturer and/or any applicable California Air Resources Board Executive Order(s), and free of defects that would impair the effectiveness of the system. This includes the absence or disconnection of any component that is a part of the approved system. Specifically, there were no swivel adaptors installed on the USTs.	
		Base Penalty	\$10,000
>>	·	operty and Human Health Matrix Harm	
OR	Releas		
UK	Actu Potenti		
	1 Otonia		
>>	Programmatic Ma		
		o install swivel adaptors on the USTs can result in the exposure of initial nificant amount of contaminants which may not exceed levels that are protective to human health and the environment.	·
		Adjustment -\$9,50	0
		Base Penalty Subtota	\$500
	Violation Events		
	Number of Viol	ation Events 1	
era-ana-ana-ana-ana-ana-ana-ana-ana-ana-a	mark only o use a smal		у \$500
		One single event is recommended.	
	Economic Benefi	t (EB) for this violation Statutory Limit Test	
	Estimated	EB Amount \$43 Violation Final Penalty Total	al \$525
		This violation Final Assessed Penalty (adjusted for limits	s) \$525

	Ec	onomic B	enefit Wo	rkshe	eet	1000	1.
Respondent	Imran Charolia						4
Case ID No.							
Reg. Ent. Reference No.	RN101192136						
Media [Statute]	Petroleum Stor	rage Tank				Percent	Years of
Violation No.	5					Interest	Depreciation
						5.0	15
	Item	Date	Final	Yrs	Interest	Onetime.	EB
Item	Cost	Required	Date		Saved	Costs	Amount
Description	No commas or \$						
						a de la Nerv	
Delayed Costs				2 1 1			
Equipment	\$700	11-Feb-2005	01-Jan-2006	0.9	\$2	\$41	\$43
Buildings				0.0	\$0	\$0	, \$0
Other (as needed)				0.0	\$0	\$0	\$(
Engineering/construction			1.7 (1/1)	0.0	\$0	\$0	\$(
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$(
Training/Sampling				0.0	\$0	n/a	\$(
Remediation/Disposal				0.0	\$0	n/a	\$(
Permit Costs				0,0	\$0	n/a	\$(
Other (as needed)		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		0.0	\$0	n/a	\$(
Estimated expense to install swivel adaptors on the LISTs. Date r		ate required bas	sed on the				
Notes for DELAYED costs						compliance dat	
	L.						
		<i>a</i>					
Avoided Costs	ANNI	JALIZE [1] avoide	d costs before en	tering it	em (except for or	e-time avoided co	sts)
Disposal				0.0	\$0	\$01	\$(
Personnel				0.0	\$0	\$0	\$(
nspection/Reporting/Sampling				0.0	\$0	\$0	\$(
Supplies/equipment				0.0	\$0	\$0	\$(
	necessaria de la constanta de			0.0	\$0	\$0	\$
Financial Assurance [2]	Cinner	************************		\$ Eujoojo quarata a Bai		navovanemavaavavaitaavõavaiki	
Financial Assurance [2] ONE-TIME avoided costs [3]			kanhainsaalinjannäätäänniaania punnanampunnyminnaminninni	0.0	\$0	\$0	\$(
Financial Assurance [2]				\$ Eujouju que au au agri		navovanemavaavavaitaavõavaiki	\$(
Financial Assurance [2] ONE-TIME avoided costs [3]		anna india kananda ana ana ana ana ana ana ana ana a		0.0	\$0	\$0	\$(
Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)				0.0	\$0	\$0	\$(

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	Saraaning Data	04.840005	Dealset Na	0005 0000 DCT F		PCW
	Screening Date		Docket No.	2005-0889-PST-E		
	Respondent				Policy Revision 2 (
D	Case ID No.				PCW Revis	ion May 10, 2005
Reg	Ent. Reference No.					
		Petroleum Storage Tank		•		
	Enf. Coordinator	**************************************				
	Violation Number	6 30 Tex	x. Admin. Code	8 334 22(a)		
	Primary Rule Cite(s)		ex. Water Code			***************************************
	Secondary Rule Cite(s)					
*	Violation Description	Failed to pay UST Regist ID No. 41224, TCEQ Fina	ration fees for F ncial Administra fiscal year 20	tion Account No. 0052	2297U, for	•
				Bas	se Penalty	\$10,000
	* ************************************				<u> </u>	
>>	Environmental, Pro	perty and Human He	alth Matrix			***************************************
		Harm				
OΒ	Release	Major Moderate Mii	nor			entralidade
OR	Actual Potential			Percent		***************************************
	1 otomai				1	***************************************
>>	Programmatic Mat	rix				
	Falsification	Major Moderate Mi	nor	_p	.	eserimization in the contract of the contract
				Percent		Walderson
	Matrix Notes					
				Adjustment	-\$10,000	
				Base Penalt	y Subtotal	\$0
	Violation Events					annovina distribution
	Number of Violat	ion Events		•		
		daily				***************************************
		monthly				
	mark only one			Violation Ba	se Penalty	\$0
	use a small x					
		annual				
		single event				e de la companya de l
	No admin	istrative penalty was calcul	ated for this vio	ation because penalty	il and the second secon	
		and interest will be assess	sed in the next b	pilling cycle.		
	Economic Benefit	(EB) for this violation	1	Statutory Limit	Test	
	Estimated E	B Amount \$0		Violation Final Pe	nalty Total	\$0
		**************************************	n Final Asses	and Danathy (adjusted	I for limits)	\$0
		i his violatio	on Finai Assess	sed Penalty (adjusted	i ior iiiiiits)	Φ0

Page 14 of 14 07/27/07 H:\Agreed Orders\ImranCharolia\Imran Charolia Revised PCW.wb3

	Ec	onomic l	Benefit Woı	rkshe	et	244 - 11 (S\$ 37)	. 1.
Respondent	Imran Charolia						
Case ID No.	25403						
Reg. Ent. Reference No.	RN101192136						
Media [Statute]		rage Tank				Percent	Years of
Violation No.	6					Interest	Depreciation
	•				esa e a a a a a a a a a a a a a a a a a	5.0	15
	Item	Date	Final	Yrs	Interest	Onetime	EB
Item	Cost	Required	Date		Saved	Costs	Amount
Description	No commas or \$						
**************************************						•	
Delayed Costs	Commence of the Commence of th		or annala b	g			
Equipment	15 communication and a second a			0.0	\$0	\$0	\$0
Buildings	IA			0.0	\$0	\$0	\$0
Other (as needed)	hamman and the second s			0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land	B	***************************************		0.0	\$0	`n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	factorium and a factorium and			0.0	\$0	n/a	\$0
Remediation/Disposal	Additional			0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)		distributeramentomics summer		0.0	\$0]	n/a	\$0
Notes for DELAYED costs	-		Not a	applicat	ole.		alanametantahankan kananan ana ana
Avoided Costs		JALIZE [1] avoid	ded costs before en	terina ite	m (except for one	e-time avoided c	osts)
Disposal				0.0	\$0	\$0	\$ 0
Personnel			i	0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$concernment and a second and a			0.0	\$0	\$0	\$0
Supplies/equipment	Annanananananan			0.0	\$0	\$0	\$0
Financial Assurance [2]	photoconomicanomicanomicanom	***************************************		0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]		***************************************	1	0.0	\$0	\$0	\$0
Other (as needed)	fritagement and comment and interest	***************************************		0.0	\$0	\$0	\$0
Notes for AVOIDED costs			Not a	applicat	ole.	TABLE CONTRACTOR	A ST
	(Immorromorromorromorromorromorromorromo			***************************************			
Approx. Cost of Compliance	\$0	•				TOTAL	\$0

Compliance History

Customer/Respondent/Owner-Operator:

CN603191511

Imran Charolia

Classification: AVERAGE

Rating: 0.500

Regulated Entity:

ID Number(s):

RN101192136

ROSEHILL COUNTRY STORE

Classification: AVERAGE

Site Rating: 0.50

PUBLIC WATER SYSTEM/SUPPLY

WATER LICENSING PETROLEUM STORAGE TANK REGISTRATION LICENSE REGISTRATION 1012308 1012308 41224

REGISTRATION

Location:

17835 FM 2920 RD, HARRIS COUNTY

Rating Date: 9/1/04 Repeat Violator: NO

TCEQ Region:

REGION 12 - HOUSTON

B . G

Date Compliance History Prepared:

June 02, 2005

Compliance Period:

May 02, 2000 to May 02, 2005

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

Trina Grieco

Agency Decision Requiring Compliance History: Enforcement

Phone:

(210) 403-4006

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?

Yes

2. Has there been a (known) change in ownership of the site during the compliance period?

No

3. If Yes, who is the current owner?

N/A

4. if Yes, who was/were the prior owner(s)?

N/A

5. When did the change(s) in ownership occur?

N/A

Components (Multimedia) for the Site:

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

2 10/22/2003 (151723)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 01/30/2001

(58091)

Self Report? NO

Classification: Minor

Citation:

30 TAC Chapter 115, SubChapter C 115.246(6)

Description: FAILURE TO COMPLY

F. Environmental audits.

N/A

J. Early compliance.		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
N/A		yer of the sale
Sites Outside of Texas		A Comment
N/A		
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	and the second of the second o	e in
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	in the control of the	
		19

G. Type of environmental management systems (EMSs).

I. Participation in a voluntary pollution reduction program.

H. Voluntary on-site compliance assessment dates.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
IMRAN CHAROLIA	§	TEXAS COMMISSION ON
RN101192136	§	
	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2005-0889-PST-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Imran Charolia ("Mr. Charolia") under the authority of Tex. Health & Safety Code ch. 382 and Tex. Water Code chs. 5, 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Charolia appear before the Commission and together stipulate that:

- 1. Mr. Charolia operates a convenience store with retail sales of gasoline at 17835 Farm-to-Market Road 2920, Harris County, Texas (the "Station").
- 2. Mr. Charolia's two (2) underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. The Station consists of one or more sources as defined in Tex. Health & Safety Code § 382.003(12).
- 3. The Commission and Mr. Charolia agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Charolia is subject to the Commission's jurisdiction.
- 4. Mr. Charolia received notice of the violations alleged in Section II ("Allegations") on or about April 20, 2005.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Charolia of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Seven Thousand Eight Hundred Seventy-Five Dollars (\$7,875) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Charolia has paid One Hundred Seventy-Five Dollars (\$175) of the administrative penalty and One Thousand Five Hundred Seventy-Five Dollars (\$1,575) is deferred contingent upon Mr. Charolia's timely and satisfactory compliance with all the terms of this Agreed

Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Mr. Charolia fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Mr. Charolia to pay all or part of the deferred penalty.

The remaining amount of Six Thousand One Hundred Twenty-Five Dollars (\$6,125) of the administrative penalty shall be payable in 35 monthly payments of One Hundred Seventy-Five Dollars (\$175) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Mr. Charolia fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Mr. Charolia to meet the payment schedule of this Agreed Order constitutes the failure by Mr. Charolia to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and Mr. Charolia have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that Mr. Charolia has implemented the following corrective measures at the Station:
 - a. Successfully passed line and line leak detector tests on February 15, 2005;
 - b. Submitted Stage II Vapor Recovery (SII) System records, including a daily inspection log and proof of SII training for the Facility Representative and each employee on February 21, 2005; and
 - c. Successfully passed SII System testing on February 15, 2005.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Charolia has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As operator of the Station, Mr. Charolia is alleged to have:

- 1. Failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring), in violation of 30 Tex. ADMIN. CODE § 334.50(b)(1)(A) and Tex. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on February 11, 2005;
- 2. Failed to provide proper release detection for the piping associated with UST system, in violation of 30 Tex. Admin. Code § 334.50(b)(2) and Tex. Water Code § 26.3475(a), as documented during an investigation conducted on February 11, 2005;
- 3. Failed to test a line leak detector at least once per year for performance and operational reliability, in violation of 30 Tex. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and Tex. WATER CODE § 26.3475(a), as documented during an investigation conducted on February 11, 2005;
- 4. Failed to have the impressed current cathodic protection system regularly inspected at least once every 60 days by the owner or operator to ensure that the rectifier and other system components are operating properly, in violation of 30 Tex. ADMIN. CODE § 334.49(c)(2)(C) and Tex. WATER CODE § 334.3475(d), as documented during an investigation conducted on February 11, 2005;
- 5. Failed to have the cathodic protection system tested by a qualified corrosion specialist or corrosion technician within three to six months after installation and at a subsequent frequency of at least once every three years, in violation of 30 Tex. ADMIN. CODE § 334.49(c)(4) and Tex. WATER CODE § 26.3475(d), as documented during an investigation conducted on February 11, 2005;
- 6. Failed to maintain records on-site at facilities ordinarily manned during business hours, and make immediately available for review upon request by authorized representatives of the TCEQ, in violation of 30 Tex. ADMIN. CODE § 115.246(7)(A) and Tex. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 11, 2005;
- 7. Failed to maintain proof of attendance and completion of training and documentation of all SII training for each employee, in violation of 30 Tex. ADMIN. CODE § 115.246(4) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on February 11, 2005;
- 8. Failed to maintain a daily inspection log, in violation of 30 Tex. ADMIN. CODE § 115.246(6) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on February 11, 2005;
- 9. Failed to verify proper operation of the SII equipment at least once every twelve months or upon major system replacement or modification, in violation of 30 Tex. ADMIN. CODE § 115.245(2) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on February 11, 2005;

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Imran Charolia DOCKET NO. 2005-0889-PST-E Page 4

- 10. Failed to maintain all components of the SII System in proper operating condition, as specified by the manufacturer and/or any applicable California Air Resources Board Executive Order(s), and free of defects that would impair the effectiveness of the system, in violation of 30 Tex. ADMIN. CODE § 115.242(3)(A) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on February 11, 2005. This requirement includes the absence or disconnection of any component that is a part of the approved system. Specifically, there were no swivel adaptors installed on the USTs; and
- 11. Failed to pay UST Registration fees for Petroleum Storage Tank Facility ID No. 41224, TCEQ Financial Administration Account No. 0052297U, for fiscal year 2005, in violation of 30 TEX. ADMIN. CODE § 334.22(a) and TEX. WATER CODE § 5.702, as documented during a record review investigation conducted on May 3, 2005.

III. DENIALS

Mr. Charolia generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Charolia pay an administrative penalty as set forth in Section I, Paragraph 6 above. The imposition of this administrative penalty and Mr. Charolia's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Imran Charolia, Docket No. 2005-0889-PST-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that Mr. Charolia shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Begin monitoring the UST system for releases, in accordance with 30 Tex. ADMIN. CODE § 334.50;
 - ii. Ensure that the cathodic protection system is tested by a qualified corrosion specialist or corrosion technician and that the rectifier and other system components are inspected for proper operation, in accordance with 30 Tex. ADMIN. CODE § 334.49;

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- iii. Install swivel adaptors on the USTs, in accordance with 30 TEX. ADMIN. CODE § 115.242; and
- iv. Submit payment for all outstanding fees, including any associated penalties and interest and with the notation, "Imran Charolia" and reference TCEQ Financial Administration Account No. 0052297U to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.i through 2.a.iv.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The certification shall be submitted to:

Work Leader
Team 5, Section III
Enforcement Division, MC 149
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

 $(\mathbf{r}_{i,j}, \mathbf{r}_{i,j}, \mathbf{r$

Imran Charolia DOCKET NO. 2005-0889-PST-E Page 6

> Manager, Waste Section Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Avenue, Suite H Houston, Texas 77023-1486

- 3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Charolia. Mr. Charolia is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Station operations referenced in this Agreed Order.
- 4. If Mr. Charolia fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. Charolia's failure to comply is not a violation of this Agreed Order. Mr. Charolia shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Charolia shall notify the Executive Director within seven days after Mr. Charolia becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Charolia shall be made in writing to the Executive Director. Extensions are not effective until Mr. Charolia receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Charolia in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be tranMr. Charoliatted by facsimile tranMr. Charoliassion to the other parties, which shall constitute an original signature for all purposes.
- 8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Charolia, or three days after the date on which the Commission mails notice of the Order to Mr. Charolia, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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Imran Charolia DOCKET NO, 2005-0889-PST-E Page 7

For the Commission

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Jeh Dolin	7/25/07
for the Executive Director	Date
	the attached Agree? Order. I am authorized to agree to the if any, indicated below my algorithm, and I do agree to the exactnowledge that the TCEQ, in accepting payment for the representation.
I also understand that my failure to comply we failure to timely pay the penalty amount, may a A negative impact on my compliance t	th the Ordering Provisions, if any, in this order and/or my result in:
Greater semainy of any permit applicat	Herris subvertend by man
Referral of this case to the Attorney Greenalties, and/or attorney fees,	expersal a Office for conferent injunction maint a lating
dicrosoco peneltics in any future enforce	COMPANY ACTIONS ACTIONS OF THE PARTY OF THE
Automatic referral to the Attorney Gon	ictel's Office of any future enforcement actions against
TCEQ seeking other relief as authorized	ער בו של או
In addition, any felsification of any compliance	s documents may result in original prosecution.
Iman Annal	c/22/27
Sterokuré	Date
Imran Charolia	Duran
Name (Printed or typed)	Tirle
Authorized Representative of	1106
Intran Charolia	

Instructions: Send the original signed Agreed Order with pensity payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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